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Forty-eighth session
THIRD COMMITTEE
Agenda item 114 (c)

HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Australia, Belgium, Canada, Costa Rica, Denmark, Finland, France, Germany, Greece, Iceland, Ireland, Italy, Japan, Liechtenstein, Luxembourg, Netherlands, Norway, Portugal, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

Situation of human rights in the Islamic Republic of Iran

The General Assembly,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights 1/ and the International Covenants on Human Rights, 2/

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the various international instruments in this field,

Recalling its relevant resolutions, including the most recent, resolution 47/146 of 18 December 1992, as well as those of the Commission on Human Rights, including the most recent, resolution 1993/62 of 10 March 1993, and those of the Subcommission on Prevention of Discrimination and Protection of Minorities, including the most recent, resolution 1993/14 of __ August 1993,

Noting that the Government of the Islamic Republic of Iran has responded to the request of the Special Representative of the Commission on Human Rights for

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1/ Resolution 217 A (III).

2/ Resolution 2200 A (XXI), annex.

information concerning allegations of human rights violations in that country but did not allow him to pay a fourth visit to the country in order to permit him to obtain direct and first-hand information on the current human rights situation in that country,

Reaffirming that Governments are accountable for assassinations and attacks by their agents against persons on the territory of another State, as well as for the incitement, approval or wilful condoning of such acts,

Noting the observation of the Special Representative that there is enough evidence to show that it is entirely proper for the human rights situation in the Islamic Republic of Iran to remain under international scrutiny,

Noting also that the Subcommission on Prevention of Discrimination and Protection of Minorities, in its resolution 1993/14, has condemned the continuing flagrant violations of human rights in the Islamic Republic of Iran,

Noting further the respective concluding observations of the Committee on the Elimination of Racial Discrimination, the Human Rights Committee and the Committee on Economic, Social and Cultural Rights on the human rights situation in the Islamic Republic of Iran,

1. Takes note with appreciation of the interim report of the Special Representative of the Commission on Human Rights and the considerations and observations contained therein;

2. Expresses its deep concern at continuing reports of violations of human rights in the Islamic Republic of Iran;

3. Expresses its concern more specifically at the main criticisms of the Special Representative with regard to the human rights situation in the Islamic Republic of Iran, namely, the high number of executions, cases of torture and cruel, inhuman or degrading treatment or punishment, the standard of the administration of justice, the absence of guarantees of due process of law, discriminatory treatment of certain groups of citizens for reason of their religious beliefs, notably the Baha'is, whose existence as a viable religious community is threatened, and restrictions on the freedom of expression, thought, opinion and the press, and that, as noted by the Special Representative, there is continued discrimination against women;

4. Expresses its grave concern at the continued use of the death penalty, which the Special Representative has described as excessive;

5. Also expresses its grave concern that there are continuing threats to the life of a citizen of another State which appear to have the support of the Government of the Islamic Republic of Iran and whose case is mentioned in the report of the Special Representative, as well as to individuals associated with his work;

6. Urges the Government of the Islamic Republic of Iran to refrain from activities such as those mentioned in the report of the Special Representative against members of the Iranian opposition living abroad;

7. Regrets that the Government of the Islamic Republic of Iran has still not permitted the Special Representative to visit the country in order to enable him fully to discharge his mandate by according him full cooperation;

8. Urges the Government of the Islamic Republic of Iran to implement existing agreements with international humanitarian organizations;

9. Calls upon the Government of the Islamic Republic of Iran to intensify its efforts to investigate and rectify the human rights issues raised by the Special Representative in his considerations and observations, in particular as regards the administration of justice and due process of law;

10. Also calls upon the Government of the Islamic Republic of Iran to comply with international instruments on human rights, in particular the International Covenant on Civil and Political Rights, 3/ to which the Islamic Republic of Iran is a party, and to ensure that all individuals within its territory and subject to its jurisdiction, including religious groups, enjoy the rights recognized in these instruments;

11. Endorses the view of the Special Representative that the international monitoring of the human rights situation in the Islamic Republic of Iran should be continued;

12. Calls upon the Government of the Islamic Republic of Iran to cooperate fully with the Special Representative;

13. Requests the Secretary-General to give all necessary assistance to the Special Representative;

14. Decides to continue the examination of the situation of human rights in the Islamic Republic of Iran including the situation of minority groups, such as the Baha'is, during its forty-ninth session under the item entitled "Human rights questions" in the light of additional elements provided by the Commission on Human Rights and the Economic and Social Council.

3/ See resolution 2200 A (XXI), annex.

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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

United States of America: draft resolution

Establishment of a United Nations High Commissioner for Human Rights

The General Assembly,

Recognizing the necessity for a continuing adaptation of the United Nations human rights machinery to the current and future needs in the promotion and protection of human rights, as reflected in the Vienna Declaration and Programme of Action, 1/ and within the framework of a balanced and sustainable development for all people,

Recognizing in particular that the United Nations human rights organs should improve their coordination, efficiency, and effectiveness,

Having considered the recommendation contained in paragraph 18 of part II of the Vienna Declaration and Programme of Action, 1/

Decides to create the Office of High Commissioner for Human Rights within the framework outlined in the annex to the present resolution, and requests the Secretary-General to advise the General Assembly of his proposed appointment to fill this post by 1 March 1994.

1/ A/CONF.157/24 (Part I), chap. III.

Annex

FRAMEWORK GOVERNING SELECTION AND OPERATIONS OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS

1. Method of election and duration of term

The High Commissioner will:

- Be appointed by the Secretary-General of the United Nations and approved by the General Assembly;

- Serve a four-year term, renewable on the recommendation of the Secretary-General and approval of the General Assembly for a maximum of one four-year period;

- Hold a rank equivalent to that of an Under-Secretary-General.

In considering the appointment of a High Commissioner, the Secretary-General will be guided by the considerations set down in Article 101.3 of the Charter of the United Nations.

2. Personal qualifications of a High Commissioner

The High Commissioner will be a person of high moral standing with the expertise, the personal independence, the requisite knowledge and understanding of diverse cultures, and the integrity necessary for the impartial and effective performance of the duties of High Commissioner.

3. Framework and guiding principles

In the performance of his/her mandate and functions, the High Commissioner will:

- Be guided by the Charter of the United Nations, the Universal Declaration of Human Rights, 2/ other international instruments on human rights, and international law;

- Attach priority to cooperation for the promotion and protection of human rights;

- Observe the importance of acting with discretion and of seeking to secure the full cooperation of the State concerned;

- Act on the basis that all human rights are universal, indivisible and interrelated, and that, while the significance of various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms;

2/ Resolution 217 A (III).

- Demonstrate impartiality and objectivity in the implementation of his/her mandate;

- Recognize the importance of promoting balanced and sustainable development for all people, and of the relationship between human rights, democracy and development as elaborated in the Vienna Declaration and Plan of Action. 1/

4. Mandate and functions of the High Commissioner

The High Commissioner will be the United Nations official with principal responsibility for the promotion and protection of all human rights. Within the framework of the overall competence, authority and decisions of the Secretary-General, the General Assembly, the Economic and Social Council and the Commission on Human Rights, the High Commissioner's responsibilities will include:

(a) The promotion and protection of all human rights and fundamental freedoms, including:

(i) The effective enjoyment by all of their civil, cultural, economic, political and social rights;

(ii) Elimination and prevention of violations of all human rights around the world;

(b) The coordination of:

(i) Human rights activities of the United Nations system and of the human rights dimensions of other United Nations activities, including, inter alia, in the areas of peace-keeping, electoral assistance and developmental activities, in conformity with the recommendations of appropriate organs;

(ii) The adaptation and strengthening of the United Nations machinery in the field of human rights with a view to improving its efficiency and effectiveness;

(iii) Through the Centre for Human Rights and other relevant units and organizations, the provision of advisory services and technical assistance to Member States in the field of human rights at the request of the State concerned;

(iv) The strengthening of United Nations human rights education and public information programmes for the promotion and protection of all human rights;

(c) Responsibility for:

(i) The overall supervision of the Centre for Human Rights and other United Nations offices as may be designated by the Secretary-General;

(ii) The presentation of recommendations to relevant bodies of the United Nations system with a view to improving the promotion and protection of all human rights;

(iii) Implementing the relevant recommendations of the Vienna Declaration and Programme of Action;

(iv) Implementation of the decisions of the competent organs of the United Nations system in the field of human rights;

(v) In appropriate cases, initiating within the framework of the overall authority of the Secretary-General, and with due regard for the value of proceeding with discretion and of keeping the Commission on Human Rights apprised as appropriate of his/her actions:

- Contacts with Governments;

- The dispatch of fact-finding missions with the consent of States concerned;

- Provision of assistance to Governments at their request;

- Other appropriate action to prevent serious violations of human rights;

(vi) Representing the Secretary-General in connection with his responsibilities for liaison and coordination of United Nations activities in the field of human rights with those of other bodies of the United Nations system;

(vii) The annual submission to the Commission on Human Rights and to the Economic and Social Council of a preliminary report, and to the General Assembly of a final report, on his/her activities and recommendations in accordance with his/her mandate.

5. Human and financial resources

The Secretary-General is called upon to ensure that appropriate resources are provided to the High Commissioner to enable him/her to fulfil this mandate.

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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Australia, Bahamas, Bolivia, Canada, Chile, Colombia, Costa Rica, Cyprus, Dominican Republic, Finland, Greece, Guatemala, Guyana, Hungary, Mexico, New Zealand, Nigeria, Norway, Panama, Peru, Russian Federation, Slovenia, Sweden and Trinidad and Tobago: draft resolution

International Year for the World's Indigenous People 1993

The General Assembly,

Bearing in mind that one of the purposes of the United Nations set forth in the Charter is the achievement of international cooperation in solving international problems of an economic, social, cultural or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without discrimination as to sex, race, language or religion,

Recognizing and respecting the value and the diversity of cultures as well as the cultural heritage and the forms of social organization of the world's indigenous people,

Recalling its resolution 45/164 of 18 December 1990, in which it proclaimed 1993 as International Year for the World's Indigenous People, with a view to strengthening international cooperation for the solution of problems faced by indigenous communities in areas such as human rights, the environment, development, education and health,

Conscious of the need to improve the economic, social and cultural situation of the indigenous people with full respect for their distinctiveness and their own initiatives,

Appreciative of the contributions made to the Voluntary Fund for the International Year opened by the Secretary-General,

Noting the establishment of the fund for the "development of indigenous peoples of Latin America and the Caribbean" as one kind of support for the objectives of the International Year,

Noting the recommendation of the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, that an International Decade of the World's Indigenous People be proclaimed,

Noting also the need to continue strengthening the initiatives taken as a result of the International Year,

Reiterating its request that the Subcommission on Prevention of Discrimination and Protection of Minorities complete its consideration of the draft document titled: "Declaration on the rights of indigenous peoples",

1. Calls upon the United Nations system and Governments that have not yet done so to develop policies in support of the objectives and the theme of the International Year for the World's Indigenous People and to strengthen the institutional framework for their implementation;

2. Recommends to all thematic rapporteurs, special representatives, independent experts and working groups to pay particular attention, within the framework of their mandates, to the situation of indigenous people;

3. Urges the Assistant Secretary-General for Human Rights to continue to solicit actively the cooperation of specialized agencies, regional commissions, financial and development institutions and other relevant organizations of the United Nations system for the promotion of a programme of activities in support of the objectives and the theme of the International Year;

4. Appeals to the specialized agencies, regional commissions and financial and development institutions of the United Nations system to continue to increase their efforts to take into special account the needs of indigenous people in their budgeting and in their programming;

5. Requests that:

(a) The reports of the three technical meetings, first provided for in paragraph 8 of General Assembly resolution 46/128 of 17 December 1991, be included in the final assessment proceedings provided for in paragraph 12 of the same resolution, and that their conclusions be included in the report of the Coordinator of the International Year to the General Assembly at its forty-ninth session;

(b) The Commission on Human Rights convene, from within existing resources, a meeting of participating parties to the programmes and projects of the International Year, in the three days preceding the twelfth session of the Working Group on Indigenous Populations, to report to the Working Group what conclusions can be drawn from the activities of the International Year for the

elaboration of a detailed plan of action and the establishment of a funding plan for an International Decade of the World's Indigenous People;

6. Stresses the relevance for the solution of problems faced by indigenous communities of the recommendations contained in chapter 26 of Agenda 21, including their implementation, in the report of the United Nations Conference on Environment and Development; 1/

7. Notes with satisfaction the holding in Manila of a Global Youth Earth-saving Summit, or "Global Yes", which by its reaffirmation of the role of traditional cultures in the preservation of the environment underscored the right to cultural survival;

8. Welcomes the proposal for a follow-up gathering of indigenous youth in 1995, an "Indigenous Youth Cultural Olympics", flowing from the International Year, to be held in conjunction with the International Decade of the World's Indigenous People and the fiftieth anniversary of the United Nations, to reaffirm the value of traditional cultures, folk arts and rituals as effective expressions of respective national identities, and as a foundation for a shared vision for peace, freedom and equality;

9. Stresses that the governmental and intergovernmental activities undertaken within the context of the International Year and beyond should take fully into account the development needs of indigenous people and that the International Year should contribute to enhancing and to facilitating the coordination capabilities of Member States for collecting and analysing information;

10. Notes that there is a continuing need within the United Nations system to aggregate data specific to indigenous people by means of enhancing and facilitating the coordination capabilities of Member States for collecting and analysing such data;

11. Requests the Subcommission on Prevention of Discrimination and Protection of Minorities, at its forty-sixth session, to complete its consideration of the draft document titled "Declaration on the rights of indigenous peoples" and to submit its report to the Commission on Human Rights at its fifty-first session;

12. Requests the Coordinator of the International Year, in the report to the General Assembly at its forty-ninth session on the activities developed and the results achieved within the context of the International Year, to include an account of the response of the United Nations system to the needs of indigenous people;

1/ See Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3-14 June 1992 (A/CONF.151/26/Rev.1 (Vol. I and Vol. I/Corr.1, Vol. II, Vol. III and Vol. III/Corr.1)) (United Nations publication, Sales No. E.93.I.8 and corrigenda), Vol. I: Resolutions adopted by the Conference.

13. Expresses its appreciation of the work undertaken for the International Year for the World's Indigenous People by Governments, the Coordinator of the International Year, the International Labour Organization, the Goodwill Ambassador Ms. Rigoberta Menchu Tum, indigenous and non-governmental organizations, the Commission on Human Rights and the Working Group on Indigenous Populations.

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HUMAN RIGHTS QUESTIONS: IMPLEMENTATION OF HUMAN RIGHTS INSTRUMENTS

Argentina, Australia, Austria, Belgium, Cameroon, Canada, Chile, Costa Rica, Cyprus, Czech Republic, Denmark, Finland, France, Germany, Hungary, Iceland, Ireland, Italy, Netherlands, New Zealand, Norway, Poland, Portugal, Spain and Sweden: draft resolution

Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights

The General Assembly,

Recalling its resolution 47/111 of 16 December 1992, as well as other relevant resolutions,

Reaffirming that the effective implementation of United Nations human rights instruments is of major importance to the efforts of the Organization, pursuant to the Charter of the United Nations and the Universal Declaration of Human Rights, 1/ to promote universal respect for and observance of human rights and fundamental freedoms,

Also reaffirming its responsibility to ensure the proper functioning of treaty bodies established pursuant to instruments adopted by the General Assembly and, in this connection, further reaffirming the importance of:

(a) Ensuring the effective functioning of systems of periodic reporting by States parties to these instruments;

(b) Securing sufficient financial resources to overcome existing difficulties with their effective functioning;

1/ Resolution 217 A (III).

(c) Addressing questions of both reporting obligations and financial implications whenever elaborating any further instruments on human rights,

Recalling the conclusions and recommendations of the second meeting of persons chairing the human rights treaty bodies, held at Geneva from 10 to 14 October 1988, 2/ and the endorsement of the recommendations aimed at streamlining, rationalizing and otherwise improving reporting procedures by the General Assembly in its resolution 47/111 and the Commission on Human Rights in its resolution 1993/16 of 26 February 1993,

Noting also the meeting, within the framework of the World Conference on Human Rights, of persons chairing treaty bodies together with those persons chairing each of the principal regional and other human rights bodies, 3/

Taking particular note of the conclusions and recommendations of the third and fourth meetings of persons chairing the human rights treaty bodies, held at Geneva from 1 to 5 October 1990, 4/ and from 12 to 16 October 1992, 5/ respectively.

Expressing concern about the increasing backlog of reports on implementation by States parties of United Nations instruments on human rights and about delays in consideration of reports by the treaty bodies,

Taking note of the reports of the Secretary-General 6/ on progress achieved in enhancing the effective functioning of the treaty bodies,

Taking note also of the relevant paragraphs of the Vienna Declaration and Programme of Action, 7/

Welcoming the interim report of the updated study by the independent expert on possible long-term approaches to enhancing the effective operation of the treaty system,

1. Endorses the conclusions and recommendations of the meetings of persons chairing the human rights treaty bodies aimed at streamlining, rationalizing and otherwise improving reporting procedures, as well as the continuing efforts in this connection by the treaty bodies and the Secretary-General within their respective spheres of competence;

2/ See A/44/98, sect. VII.

3/ A/CONF.157/24 (Part II), chap. VI.

4/ See A/45/636, annex.

5/ See A/47/628, annex.

6/ A/44/539, A/46/503 and A/48/508.

7/ A/CONF.157/24 (Part I), chap. III.

2. Notes with satisfaction the interim report of the updated study by the independent expert on possible long-term approaches to enhancing the effective operation of the treaty system and requests that the Commission on Human Rights review the proposals contained in the independent expert's final report with a view to recommending further action;

3. Requests the Secretary-General to give high priority to establishing a computerized database to improve the efficiency and effectiveness of the functioning of the treaty bodies;

4. Again urges States parties to make every effort to meet their reporting obligations and to contribute, individually and through meetings of States parties, to identifying and implementing ways of further streamlining and improving reporting procedures as well as enhancing coordination and information flow between the treaty bodies and with relevant United Nations bodies, including specialized agencies;

5. Welcomes the emphasis placed by the meeting of persons chairing the human rights treaty bodies 3/ and by the Commission on Human Rights on the importance of technical assistance and advisory services and, further to this end:

(a) Endorses the request of the Commission that the Secretary-General report regularly to the Commission on possible technical assistance projects identified by the treaty bodies;

(b) Invites the treaty bodies to give priority attention to identifying such possibilities in the regular course of their work of reviewing the periodic reports of States parties;

6. Endorses the recommendations of the meeting of persons chairing the human rights treaty bodies on the need to ensure financing and adequate staffing resources for the operations of the treaty bodies and, with this in mind:

(a) Reiterates its request that the Secretary-General provide adequate resources in regard to the various treaty bodies;

(b) Requests that the Secretary-General report on this question to the Commission on Human Rights at its fiftieth session and to the General Assembly at its forty-ninth session;

7. Urges States parties to notify the Secretary-General, as depository of the International Convention on the Elimination of All Forms of Racial Discrimination 8/ and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 9/ of their acceptance of the amendments approved by the States parties and the General Assembly for the purpose of funding the respective committees from the regular budget;

8/ Resolution 2106 A (XX), annex.

9/ Resolution 39/46, annex.

8. Calls upon all States parties to fulfil without delay and in full their financial obligations, including their arrears, under the Convention on the Elimination of All Forms of Racial Discrimination 8/ and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 9/ until the amendments enter into force;

9. Requests the Secretary-General to continue to take the necessary measures to ensure that the two committees established under the Convention on the Elimination of All Forms of Racial Discrimination 8/ and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 9/ meet as scheduled until the amendments enter into force;

10. Welcoming the report of the Secretary-General on the effective implementation of the conclusions and recommendations of the fourth meeting of persons chairing treaty bodies, held in October 1992, 10/ particularly the meeting of chairpersons held at Vienna on 15 and 16 June 1993, within the framework of the World Conference on Human Rights, together with those persons chairing each of the principal regional and other human rights bodies, which adopted the "Vienna statement of the international human rights treaty bodies", 11/

11. Requests the Secretary-General to take the appropriate steps in order to continue financing the biennial meetings of persons chairing the human rights treaty bodies from the available resources of the regular budget of the United Nations;

12. Decides to continue giving priority consideration, at its forty-ninth session, to the conclusions and recommendations of the meetings of persons chairing human rights treaty bodies, in the light of the deliberations of the Commission on Human Rights, under the item entitled "Human rights questions".

10/ A/48/508.

11/ A/CONF.157/TBB4 and Add.1.

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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Australia, Austria, Costa Rica, Czech Republic, Djibouti, Finland, Hungary, Ireland, Italy, Monaco, Nicaragua, Norway, Pakistan, Solomon Islands, Turkey and United States of America: draft resolution

Situation of human rights in Somalia

The General Assembly,

Guided by the principles embodied in the Charter of the United Nations, the International Bill of Human Rights 1/ and other applicable human rights instruments,

Gravely concerned by the situation in Somalia, including the extensive damage and destruction of villages, towns and cities, the heavy damage inflicted by the civil conflict on the country's infrastructure and the still widespread disruption of many public facilities and services and the lack of a governmental authority to ensure even basic human rights,

Deploring attacks against United Nations personnel and personnel of other humanitarian organizations in Somalia, sometimes resulting in serious injuries or deaths,

Recalling Security Council resolution 733 (1992) of 21 January 1992, and all subsequent relevant Security Council resolutions, General Assembly resolution 47/167 of 18 December 1992, and resolution 1993/86 of the Commission on Human Rights of 10 March 1993,

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1/ See resolutions 217 A (III) and 2200 A (XXI), annex.

Commending the ongoing efforts in Somalia of the United Nations, its specialized agencies, humanitarian organizations, non-governmental organization and countries in the region,

Taking note with appreciation of the report of the Independent Expert 2/ dated 26 October 1993,

1. Commends the Independent Expert for his report on the situation of human rights in Somalia;

2. Urges all Somali parties in the conflict to confirm their commitment to the Addis Ababa agreement of 27 March 1993;

3. Also urges all Somalis to work together towards peace and security in Somalia and to guarantee the protection of all human rights and fundamental freedoms for all Somalis;

4. Calls upon all parties to protect United Nations personnel, civilians and humanitarian relief workers from being killed, tortured or arbitrarily detained;

5. Requests that, following the restoration of political stability and security in Somalia, the Secretary-General and, if necessary the Security Council, consider establishing a group of independent human rights monitors, funded from within existing United Nations resources, to receive complaints and collect and investigate reports of violations of human rights and to transmit them, where appropriate, to the United Nations Centre for Human Rights, in an effort to prevent human rights violations;

6. Decides to continue its consideration of this question at its forty-ninth session.

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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Armenia, Australia, Austria, Canada, Costa Rica, Czech Republic, Djibouti, Finland, France, Georgia, Greece, Hungary, Iceland, Ireland, Italy, Monaco, Morocco, Nicaragua, Norway, Pakistan, Republic of Korea, Republic of Moldova, Romania, San Marino, Solomon Islands, Turkey, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

Situation of human rights in Somalia

The General Assembly,

Guided by the principles embodied in the Charter of the United Nations, the International Bill of Human Rights 1/ and other applicable human rights instruments,

Gravely concerned by the situation in Somalia, including the extensive damage and destruction of villages, towns and cities, the heavy damage inflicted by the civil conflict on the country's infrastructure and the still widespread disruption of many public facilities and services and the lack of a governmental authority to ensure even basic human rights,

Deploring the loss of human life in Somalia, and attacks against United Nations personnel and personnel of other humanitarian organizations in Somalia, sometimes resulting in serious injuries or deaths,

Recalling Security Council resolution 733 (1992) of 21 January 1992, and all subsequent relevant Security Council resolutions, General Assembly resolution 47/167 of 18 December 1992, and resolution 1993/86 of the Commission on Human Rights of 10 March 1993,

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1/ See resolutions 217 A (III) and 2200 A (XXI), annex.

Commending the ongoing efforts in Somalia of the United Nations, its specialized agencies, humanitarian organizations, non-governmental organizations, countries in the region and regional organizations,

Noting with appreciation the report of the Independent Expert 2/ dated 26 October 1993,

1. Commends the Independent Expert for his report on the situation of human rights in Somalia, in which he cited an increase in human rights volations fueled by the absence of an accountable government and the lack of infrastructure;

2. Urges all Somali parties in the conflict to confirm their commitment to the Addis Ababa agreement of 27 March 1993;

3. Also urges all Somalis to work together towards peace and security in Somalia and to guarantee the protection of all human rights and fundamental freedoms for all Somalis;

4. Calls upon all parties to protect civilians, United Nations personnel and humanitarian relief workers from being killed, tortured or arbitrarily detained;

5. Requests that, following the restoration of political stability and security in Somalia, the Commission on Human Rights, in accordance with the Charter of the United Nations, consider establishing a group of independent human rights monitors, funded from within existing United Nations resources, to receive complaints and collect and investigate reports of violations of human rights and to transmit them, where appropriate, to the United Nations Centre for Human Rights, in an effort to prevent human rights violations;

6. Decides to continue its consideration of this question at its forty-ninth session.

2/ A/48/510.

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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Belarus, Costa Rica, Cyprus, India, Mongolia, Morocco, Nigeria, Peru, Russian Federation and Ukraine: draft resolution

National institutions for the promotion and protection of human rights

The General Assembly,

Recalling the relevant resolutions concerning national institutions for the protection and promotion of human rights, notably its resolutions 41/129 of 4 December 1986 and 46/124 of 17 December 1991 and Commission on Human Rights resolutions 1987/40 of 10 March 1987, 1988/72 of 10 March 1988, 1989/52 of 7 March 1989, 1990/73 of 7 March 1990, 1991/27 of 5 March 1991, 1992/54 of 3 March 1992 and 1993/55 of 9 March 1993,

Emphasizing the importance of the Universal Declaration of Human Rights, 1/ the International Covenants on Human Rights 2/ and other international instruments for promoting respect for, and observance of, human rights and fundamental freedoms,

Affirming that priority should be accorded to the development of appropriate arrangements at the national level to ensure the effective implementation of international human rights standards,

Convinced of the significant role that institutions at the national level can play in promoting and protecting human rights and fundamental freedoms and in developing and enhancing public awareness of those rights and freedoms,

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1/ Resolution 217 A (III).

2/ Resolution 2200 A (XXI), annex.

Recognizing that the United Nations can play a catalytic role in assisting the development of national institutions by acting as a clearing-house for the exchange of information and experience,

Mindful in this regard of the guidelines on the structure and functioning of national and local institutions for the protection and promotion of human rights endorsed by the General Assembly in its resolution 33/46 of 14 December 1978,

Welcoming the growing interest shown world wide in the creation and strengthening of national institutions expressed during the Regional Meeting for Africa of the World Conference on Human Rights, held at Tunis from 2 to 6 November 1992, the Regional Meeting for Latin America and the Caribbean of the World Conference on Human Rights, held at San José from 18 to 22 January 1993, the Regional Meeting for Asia of the World Conference on Human Rights, held at Bangkok from 29 March to 2 April 1993, the Commonwealth Workshop on National Human Rights Institutions, held at Ottawa from 30 September to 2 October 1992 and the Workshop for the Asia and Pacific Region on Human Rights Issues, held at Jakarta from 26 to 28 January 1993, and manifested in the decisions announced recently by several Member States to establish national institutions for the promotion and protection of human rights,

Recalling the Vienna Declaration and Programme of Action, 3/ which reaffirmed the important and constructive role played by national institutions for the promotion and protection of human rights, in particular in their advisory capacity to the competent authorities, their role in remedying human rights violations, in the dissemination of human rights information, and education in human rights,

Noting the diverse approaches adopted throughout the world for the protection and promotion of human rights at the national level, emphasizing and recognizing the value of such approaches to promoting universal respect for, and observance of, human rights and fundamental freedoms,

1. Takes note with satisfaction of the updated report of the Secretary-General on national institutions for the protection and promotion of human rights, prepared in accordance with General Assembly resolution 44/64 of 8 December 1989;

2. Reaffirms the importance of the development, in accordance with national legislation, of effective national institutions for the promotion and protection of human rights and of ensuring the pluralism of their membership and their independence;

3. Encourages Member States to establish or, where they already exist, to strengthen national institutions for the protection and promotion of human rights and to incorporate those elements in national development plans;

3/ A/CONF.157/24.

4. Also encourages national institutions for the promotion and protection of human rights established by Member States to prevent and combat all violations of human rights as enumerated in the Vienna Declaration and Programme of Action and relevant international instruments;

5. Requests the Centre for Human Rights to continue its efforts in order to enhance cooperation between the United Nations and national institutions, particularly in the field of advisory services, and technical assistance and of information and education, including within the framework of the world public information campaign for human rights;

6. Also requests the Centre for Human Rights to establish, upon the request of States concerned, United Nations centres for human rights documentation and training, and to do so on the basis of established procedures for the use of available resources within the Voluntary Fund for Advisory Services and Technical Assistance in the Field of Human Rights;

7. Requests the Secretary-General to respond favourably to requests from Member States for assistance in the establishment and strengthening of national institutions for the protection and promotion of human rights as part of the programme of advisory services and technical cooperation in the field of human rights, as well as national centres for human rights documentation and training;

8. Encourages all Member States to take appropriate steps to promote the exchange of information and experience concerning the establishment and effective operation of such national institutions;

9. Affirms the role of national institutions as agencies for the dissemination of human rights materials and other public information activities prepared or organized under the auspices of the United Nations;

10. Welcomes the organization under the auspices of the Centre for Human Rights of a follow-up meeting in Tunis in December 1993 with a view, in particular, to examining ways and means to promote technical assistance for the cooperation and strengthening of national institutions, and to continue to examine all issues relating to the question of national institutions;

11. Welcomes the "Principles relating to the status of national institutions", annexed to the present resolution;

12. Encourages the establishment and strengthening of national institutions having regard to these principles and recognizing that it is the right of each State to choose the framework which is best suited to its particular needs at the national level;

13. Requests the Secretary-General to report to the General Assembly at its fiftieth session on the implementation of the present resolution.

Annex

Principles relating to the status of national institutions

Competence and responsibilities

1. A national institution shall be vested with competence to promote and protect human rights.

2. A national institution shall be given as broad a mandate as possible, which shall be clearly set forth in a constitutional or legislative text, specifying its composition and its sphere of competence.

3. A national institution shall, inter alia, have the following responsibilities:

(a) To submit to the Government, Parliament and any other competent body, on an advisory basis either at the request of the authorities concerned or through the exercise of its power to hear a matter without higher referral, opinions, recommendations, proposals and reports on any matters concerning the promotion and protection of human rights; the national institution may decide to publicize them; these opinions, recommendations, proposals and reports, as well as any prerogative of the national institution, shall relate to the following areas:

(i) Any legislative or administrative provisions, as well as provisions relating to judicial organizations, intended to preserve and extend the protection of human rights; in that connection, the national institution shall examine the legislation and administrative provisions in force, as well as bills and proposals, and shall make such recommendations as it deems appropriate in order to ensure that these provisions conform to the fundamental principles of human rights; it shall, if necessary, recommend the adoption of new legislation, the amendment of legislation in force and the adoption or amendment of administrative measures;

(ii) Any situation of violation of human rights which it decides to take up;

(iii) The preparation of reports on the national situation with regard to human rights in general, and on more specific matters;

(iv) Drawing the attention of the Government to situations in any part of the country where human rights are violated and making proposals to it for initiatives to put an end to such situations and, where necessary, expressing an opinion on the positions and reactions of the Government;

(b) To promote and ensure the harmonization of national legislation regulations and practices with the international human rights instruments to which the State is a party, and their effective implementation;

(c) To encourage ratification of the above-mentioned instruments or accession to those instruments, and to ensure their implementation;

(d) To contribute to the reports which States are required to submit to United Nations bodies and committees, and to regional institutions, pursuant to their treaty obligations and, where necessary, to express an opinion on the subject, with due respect for their independence;

(e) To cooperate with the United Nations and any other organization in the United Nations system, the regional institutions and the national institutions of other countries that are competent in the areas of the promotion and protection of human rights;

(f) To assist in the formulation of programmes for the teaching of, and research into, human rights and to take part in their execution in schools, universities and professional circles;

(g) To publicize human rights and efforts to combat all forms of discrimination, in particular racial discrimination, by increasing public awareness, especially through information and education and by making use of all press organs.

Composition and guarantees of independence and pluralism

1. The composition of the national institution and the appointment of its members, whether by means of an election or otherwise, shall be established in accordance with a procedure which affords all necessary guarantees to ensure the pluralist representation of the social forces (of civilian society) involved in the promotion and protection of human rights, particularly by powers which will enable effective cooperation to be established with, or through the presence of, representatives of:

(a) Non-governmental organizations responsible for human rights and efforts to combat racial discrimination, trade unions, concerned social and professional organizations, for example, associations of lawyers, doctors, journalists and eminent scientists;

(b) Trends in philosophical or religious thought;

(c) Universities and qualified experts;

(d) Parliament;

(e) Government departments (if they are included, these representatives should participate in the deliberations only in an advisory capacity).

2. The national institution shall have an infrastructure which is suited to the smooth conduct of its activities, in particular adequate funding. The purpose of this funding should be to enable it to have its own staff and premises, in order to be independent of the Government and not be subject to financial control which might affect its independence.

3. In order to ensure a stable mandate for the members of the institution, without which there can be no real independence, their appointment shall be effected by an official act which shall establish the specific duration of the mandate. This mandate may be renewable, provided that the pluralism of the institution's membership is ensured.

Methods of operation

Within the framework of its operation, the national institution shall:

(a) Freely consider any questions falling within its competence, whether they are submitted by the Government or taken up by it without referral to a higher authority, on the proposal of its members or of any petitioner;

(b) Hear any person and obtain any information and any documents necessary for assessing situations falling within its competence;

(c) Address public opinion directly or through any press organ, particularly in order to publicize its opinions and recommendations;

(d) Meet on a regular basis and whenever necessary in the presence of all its members after they have been duly convened;

(e) Establish working groups from among its members as necessary, and set up local or regional sections to assist it in discharging its functions;

(f) Maintain consultation with the other bodies, whether jurisdictional or otherwise, responsible for the promotion and protection of human rights (in particular ombudsmen, mediators and similar institutions);

(g) In view of the fundamental role played by the non-governmental organizations in expanding the work of the national institutions, develop relations with the non-governmental organizations devoted to promoting and protecting human rights, to economic and social development, to combating racism, to protecting particularly vulnerable groups (especially children, migrant workers, refugees, physically and mentally disabled persons) or to specialized areas.

Additional principles concerning the status of commissions with quasi-jurisdictional competence

A national institution may be authorized to hear and consider complaints and petitions concerning individual situations. Cases may be brought before it by individuals, their representatives, third parties, non-governmental organizations, associations of trade unions or any other representative organizations. In such circumstances, and without prejudice to the principles stated above concerning the other powers of the commissions, the functions entrusted to them may be based on the following principles:

(a) Seeking an amicable settlement through conciliation or, within the limits prescribed by the law, through binding decisions or, where necessary, on the basis of confidentiality;

(b) Informing the party who filed the petition of his rights, in particular the remedies available to him, and promoting his access to them;

(c) Hearing any complaints or petitions or transmitting them to any other competent authority within the limits prescribed by the law;

(d) Making recommendations to the competent authorities, especially by proposing amendments or reforms of the laws, regulations and administrative practices, especially if they have created the difficulties encountered by the persons filing the petitions in order to assert their rights.

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Agenda item 114 (b)

HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Afghanistan, Argentina, Australia, Austria, Chile, Costa Rica, Cyprus, Czech Republic, Denmark, Finland, France, Gambia, Germany, Greece, Guatemala, Hungary, Iceland, Italy, Lesotho, Namibia, Norway, Poland, Russian Federation, Sudan, Sweden, the former Yugoslav Republic of Macedonia, United Kingdom of Great Britain and Northern Ireland and Zambia: draft resolution

Internally displaced persons

The General Assembly,

Deeply disturbed by the large number of internally displaced persons throughout the world, and conscious of the serious problem this is creating for the international community,

Recalling the relevant norms of international human rights instruments as well as of international humanitarian law,

Conscious of the human rights as well as the humanitarian dimensions of the problem of internally displaced persons,

Conscious also of the need for the United Nations system to comprehensively gather information on the issue of the protection of human rights of and assistance to internally displaced persons,

Welcoming the initiative of the Commission on Human Rights on this question and, in particular, its resolution 1992/73 of 5 March 1992, by which it requested the Secretary-General to appoint a representative to study the human

rights issues related to internally displaced persons, and its resolution 1993/95 of 11 March 1993, by which it requested the representative to continue his work aimed at a better understanding of the problems faced by internally displaced persons and their possible long-term solutions,

Recalling the Vienna Declaration and Programme of Action 1/ which calls for a comprehensive approach by the international community with regard to refugees and displaced persons,

Welcoming the support provided to the representative of the Secretary-General by the Office of the United Nations High Commissioner for Refugees, the Department for Humanitarian Affairs of the United Nations Secretariat and other intergovernmental and non-governmental organizations,

Welcoming also the decision by the Executive Committee of the Office of the United Nations High Commissioner for Refugees to extend, on a case by case basis and under specific circumstances, protection and assistance to the internally displaced,

Recalling the comprehensive study of the representative of the Secretary-General to the Commission on Human Rights 2/ and the useful suggestions and recommendations contained therein,

1. Takes note with appreciation of the report of the representative of the Secretary-General on internally displaced persons; 3/

2. Encourages the representative through dialogue with Governments to continue his review of the needs for international protection and assistance of the internally displaced, including his compilation and analysis of existing rules and norms;

3. Invites the representative to present suggestions and recommendations with regard to ways and means, including the institutional aspects, of providing effective protection and assistance to the internally displaced;

4. Calls upon all Governments to continue to facilitate the activities of the representative and encourages them to give serious consideration to inviting the representative to visit their countries, so as to enable him to study and analyse more fully the issues involved, and thanks those Governments who have already done so;

5. Urges all concerned United Nations agencies and organizations to provide all possible assistance and support to the representative in the implementation of his programme of activities;

1/ A/CONF.157/24 (Part I), chapter III.

2/ E/CN.4/1993/35, annex.

3/ A/48/579, annex.

6. Decides to continue its consideration of the question of internally displaced persons at its fiftieth session.

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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Argentina, Australia, Austria, Belgium, Denmark, Finland, Germany, Hungary, Iceland, Ireland, Italy, Norway, Portugal, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

Situation of human rights in the Sudan

The General Assembly,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights, 1/ the International Covenants on Human Rights, 2/ and the International Convention on the Elimination of All Forms of Racial Discrimination, 3/

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to comply with the obligations laid down in the various instruments in this field,

Recalling resolution AHG/Res.213 (XXVIII) on the strengthening of cooperation and coordination among African States adopted by the Assembly of Heads of State and Government of the Organization of African Unity at its

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1/ Resolution 217 A (III), annex.

2/ Resolution 2200 A (XXI), annex.

3/ Resolution 2106 A (XX), annex.

twenty-eighth ordinary session, held at Dakar from 29 June to 1 July 1992, 4/ and recalling the Addis Ababa agreement of July 1990, 5/

Noting with deep concern reports of grave human rights violations in the Sudan, particularly summary executions, detentions without trial, forced displacement of persons and torture, described in part in the reports submitted to the Commission on Human Rights at its forty-eighth session by the Special Rapporteurs on torture and on summary or arbitrary executions,

Disturbed by the lack of progress, despite the announcement by the Government of the Sudan of its intention to convene an independent judicial inquiry commission to investigate the killings of Sudanese nationals employees of foreign government relief organizations,

Concerned over the reported attack on 12 November 1992 by aeroplanes of the Government of the Sudan on an airstrip in Thiet that resulted in injuries to three relief workers, and further concerned by the reported bombing of civilian areas in Loa and Pageri that may have resulted in deaths or injuries,

Deeply concerned that access by the civilian population to humanitarian assistance is being impeded, which poses a threat to human life and constitutes an offence to human dignity, but welcoming the continuing dialogue between the Government of the Sudan and other parties, donor Governments and international private voluntary agencies regarding delivery of humanitarian aid, and expressing the hope that such dialogue will result in improved cooperation for the delivery of humanitarian assistance,

Alarmed by the large number of internally displaced persons and victims of discrimination in the Sudan, including members of minorities who have been forcibly displaced in violation of their human rights and who are in need of relief assistance and of protection,

Alarmed also by the mass exodus of refugees into neighbouring countries, and conscious of the burden that this places on those countries, but expressing its appreciation for the continuing efforts to assist them, thereby easing the burden on host countries,

Emphasizing that it is essential to put an end to the serious deterioration of the human rights situation in the Sudan, including that in the Nuba Mountains,

Welcoming the efforts of the United Nations and other humanitarian organizations to provide humanitarian relief to those Sudanese in need,

Noting with appreciation the efforts of the Special Rapporteur, and commending him for his interim report on the human rights situation in the Sudan,

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4/ See A/47/558, annex II.

5/ See A/45/482, annex II.

1. Expresses its deep concern at the continuing and serious human rights violations in the Sudan, including summary executions, detentions without due process, forced displacement of persons and torture;

2. Notes with concern the reprisals taken by the Government of the Sudan against those who contacted or attempted to contact the Special Rapporteur for the Sudan;

3. Urges the Government of the Sudan to respect fully human rights, and calls upon all parties to cooperate in order to ensure such respect;

4. Calls upon the Government of the Sudan to comply with applicable international human rights instruments, in particular the International Covenants on Human Rights 2/ and the Convention on the Elimination of All Forms of Racial Discrimination, 3/ to which the Sudan is a party, and to ensure that all individuals in its territory and subject to its jurisdiction, including members of all religious and ethnic groups, enjoy the rights recognized in those instruments;

5. Calls upon all parties to the hostilities to respect fully the applicable provisions of international humanitarian law including article 3 common to the Geneva Conventions of 1949, 6/ and the Additional Protocols thereto of 1977, 7/ to halt the use of weapons against the civilian population, to protect all civilians from violations, including arbitrary detention, ill-treatment, torture and summary execution;

6. Expresses its appreciation to the humanitarian organizations for their work in helping displaced persons and drought and conflict victims in the Sudan, and calls on all parties to protect humanitarian relief workers;

7. Calls upon the Special Rapporteur on summary or arbitrary executions again to address the killing of Sudanese national employees of foreign government relief organizations;

8. Calls upon the Government of the Sudan to explain fully the actions to obstruct the efforts of the Special Rapporteur for the Sudan, especially the ill-treatment afforded those who contacted or attempted to contact him;

9. Also calls upon the Government of the Sudan to ensure a full, thorough and prompt investigation of the killings of Sudanese nationals employees of foreign government relief organizations by the independent judicial inquiry commission, to bring to justice those responsible for the killings and to provide just compensation to the families of the victims;

10. Further calls upon the Government of the Sudan to investigate and explain without delay the circumstances behind the air attacks on 12 and 23 November 1993;

6/ United Nations, Treaty Series, vol. 75, Nos. 970-973.

7/ Ibid., vol. 1125, Nos. 17512 and 17513.

11. Strongly urges all parties to the hostilities to redouble their efforts to negotiate an equitable solution to the civil conflict to ensure respect for the human rights and fundamental freedoms of the Sudanese people, thereby creating the necessary conditions to end the exodus of Sudanese refugees to neighbouring countries and facilitating their early return to the Sudan, and welcomes efforts to facilitate dialogue among the parties to that end;

12. Calls upon the Government of the Sudan and other parties to permit international agencies, humanitarian organizations and donor Governments to deliver humanitarian assistance to the civilian population and to cooperate with the recent initiatives of the Department of Humanitarian Affairs of the United Nations Secretariat to deliver humanitarian assistance to all persons in need;

13. Recommends that the serious human rights situation in the Sudan be monitored, and invites the Commission on Human Rights at its fiftieth session to give urgent attention to the situation of human rights in the Sudan;

14. Decides to continue its consideration of this question at its forty-ninth session.

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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Argentina, Australia, Austria, Belgium, Denmark, Finland, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Luxembourg, Netherlands, Norway, Portugal, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland and United States of America: revised draft resolution

Situation of human rights in the Sudan

The General Assembly,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights, 1/ the International Covenants on Human Rights, 2/ and the International Convention on the Elimination of All Forms of Racial Discrimination, 3/

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to comply with the obligations laid down in the various instruments in this field,

Recalling resolution AHG/Res.213 (XXVIII) on the strengthening of cooperation and coordination among African States adopted by the Assembly of Heads of State and Government of the Organization of African Unity at its

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1/ Resolution 217 A (III), annex.

2/ Resolution 2200 A (XXI), annex.

3/ Resolution 2106 A (XX), annex.

twenty-eighth ordinary session, held at Dakar from 29 June to 1 July 1992, 4/ and recalling the Addis Ababa agreement of July 1990, 5/

Noting with deep concern reports of grave human rights violations in the Sudan, particularly summary executions, detentions without trial, forced displacement of persons and torture, described in part in the reports submitted to the Commission on Human Rights at its forty-ninth session by the Special Rapporteurs on torture and on summary or arbitrary executions,

Disturbed by the failure of the Government to provide for a full impartial investigation of the killings of Sudanese nationals employees of foreign government relief organizations, despite the announcement by the Government of the Sudan of its intention to convene an independent judicial inquiry commission,

Concerned over the reported attack on 12 November 1992 by aeroplanes of the Government of the Sudan on an airstrip in Thiet that resulted in injuries to three relief workers, and further concerned by the reported bombing of civilian areas in Loa and Pageri that may have resulted in deaths or injuries,

Deeply concerned that access by the civilian population to humanitarian assistance is being impeded, which poses a threat to human life and an offence to human dignity, but welcoming the continuing dialogue between the Government of the Sudan and other parties, donor Governments and international private voluntary agencies regarding delivery of humanitarian aid, and expressing the hope that such dialogue will result in improved cooperation for the delivery of humanitarian assistance,

Alarmed by the large number of internally displaced persons and victims of discrimination in the Sudan, including members of minorities who have been forcibly displaced in violation of their human rights and who are in need of relief assistance and of protection,

Alarmed also by the mass exodus of refugees into neighbouring countries, and conscious of the burden that this places on those countries, but expressing its appreciation for the continuing efforts to assist them, thereby easing the burden on host countries,

Emphasizing that it is essential to put an end to the serious deterioration of the human rights situation in the Sudan, including that in the Nuba Mountains,

Recognizing the fact that the Sudan has been hosting large numbers of refugees from several neighbouring countries over the last three decades,

Welcoming the efforts of the United Nations and other humanitarian organizations to provide humanitarian relief to those Sudanese in need,

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4/ See A/47/558, annex II.

5/ See A/45/482, annex II.

Noting with appreciation the efforts of the Special Rapporteur, and commending him for his interim report on the human rights situation in the Sudan, 6/

1. Expresses its deep concern at the continuing and serious human rights violations in the Sudan, including summary executions, detentions without due process, forced displacement of persons and torture;

2. Notes with concern the reprisals taken by the Government of the Sudan against those who contacted or attempted to contact the Special Rapporteur for the Sudan;

3. Urges the Government of the Sudan to respect fully human rights, and calls upon all parties to cooperate in order to ensure such respect;

4. Calls upon the Government of the Sudan to comply with applicable international human rights instruments, in particular the International Covenants on Human Rights 2/ and the Convention on the Elimination of All Forms of Racial Discrimination, 3/ to which the Sudan is a party, and to ensure that all individuals in its territory and subject to its jurisdiction, including members of all religious and ethnic groups, enjoy the rights recognized in those instruments;

5. Calls upon all parties to the hostilities to respect fully the applicable provisions of international humanitarian law including article 3 common to the Geneva Conventions of 1949, 7/ and the Additional Protocols thereto of 1977, 8/ to halt the use of weapons against the civilian population, to protect all civilians from violations, including arbitrary detention, ill-treatment, torture and summary execution;

6. Expresses its appreciation to the humanitarian organizations for their work in helping displaced persons and drought and conflict victims in the Sudan, and calls on all parties to protect humanitarian relief workers;

7. Calls upon the Special Rapporteur on summary or arbitrary executions again to address the killing of Sudanese national employees of foreign government relief organizations;

8. Calls upon the Government of the Sudan to explain fully the actions to obstruct the efforts of the Special Rapporteur for the Sudan, especially the ill-treatment afforded those who contacted or attempted to contact him;

9. Also calls upon the Government of the Sudan to ensure a full, thorough and prompt investigation of the killings of Sudanese nationals employees of foreign government relief organizations by the independent judicial inquiry

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6/ A/48/601, annex.

7/ United Nations, Treaty Series, vol. 75, Nos. 970-973.

8/ Ibid., vol. 1125, Nos. 17512 and 17513.

commission, to bring to justice those responsible for the killings and to provide just compensation to the families of the victims;

10. Further calls upon the Government of the Sudan to investigate and explain without delay the circumstances behind the air attacks on 12 and 23 November 1993;

11. Strongly urges all parties to the hostilities to redouble their efforts to negotiate an equitable solution to the civil conflict to ensure respect for the human rights and fundamental freedoms of the Sudanese people, thereby creating the necessary conditions to end the exodus of Sudanese refugees to neighbouring countries and facilitating their early return to the Sudan, and welcomes efforts to facilitate dialogue among the parties to that end;

12. Notes with appreciation, in this connection, the current regional efforts of the heads of State of the Intergovernmental Authority on Drought and Development (Kenya, Uganda, Ethiopia and Eritrea) to assist parties to the conflict in the Sudan to reach a peaceful settlement;

13. Calls upon the Government of the Sudan and other parties to permit international agencies, humanitarian organizations and donor Governments to deliver humanitarian assistance to the civilian population and to cooperate with the recent initiatives of the Department of Humanitarian Affairs of the United Nations Secretariat to deliver humanitarian assistance to all persons in need;

14. Recommends that the serious human rights situation in the Sudan be monitored, and invites the Commission on Human Rights at its fiftieth session to give urgent attention to the situation of human rights in the Sudan;

15. Decides to continue its consideration of this question at its forty-ninth session.

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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Armenia, Australia, Austria, Belarus, Belgium, Benin, Cameroon, Canada, Central African Republic, Chad, Costa Rica, Côte d'Ivoire, Cyprus, Denmark, Dominican Republic, Finland, France, Gabon, Gambia, Germany, Ghana, Greece, Guinea-Bissau, Iceland, Ireland, Italy, Lesotho, Liechtenstein, Luxembourg, Madagascar, Malawi, Marshall Islands, Mexico, Mongolia, Morocco, Netherlands, New Zealand, Norway, Philippines, Portugal, Russian Federation, Rwanda, Senegal, Sierra Leone, Slovenia, Spain, Sweden, Turkey, Ukraine and United Kingdom of Great Britain and Northern Ireland: draft resolution

Plight of street children

The General Assembly,

Recalling its resolution 47/126 of 18 December 1992,

Recalling also Commission on Human Rights resolution 1993/81 of 10 March 1993,

Welcoming the special attention given to the rights of children by the World Conference on Human Rights, and in particular part I, paragraph 21, of the Vienna Declaration and Programme of Action, 1/

1/ A/CONF.157/24 (Part I), chap. III.

Recalling the Convention on the Rights of the Child 2/ as a major contribution to the protection of the rights of all children, including street children,

Reaffirming that children are a particularly vulnerable section of society whose rights require special protection and that children living under especially difficult circumstances, such as street children, deserve special attention, protection and assistance from their families and communities and as part of national efforts and international cooperation,

Recognizing that all children have the right to health, shelter and education, to an adequate standard of living and to freedom from violence and harassment,

Deeply concerned about the growing number of street children world wide and the squalid conditions in which these children are often forced to live,

Profoundly concerned that the killing of and violence against street children threatens the most fundamental right of all, the right to life,

Alarmed at continuing serious offences of this nature against street children,

Recognizing the responsibility of Governments to investigate all cases of offences against children and to punish offenders,

Recognizing also that legislation per se is not enough to prevent violations of human rights, including those of street children, and that Governments should implement their laws and complement legislative measures with effective action, inter alia, in the fields of law enforcement and in the administration of justice,

Welcoming the efforts made by some Governments to take effective action to address the question of street children,

Welcoming also the publicity given to and the increased awareness of the plight of street children, and the achievements of non-governmental organizations in promoting their rights and in providing practical assistance to improve their situation, and expressing its appreciation of their continued efforts,

Welcoming further the valuable work of the United Nations Children's Fund and its National Committees in reducing the suffering of street children,

Taking note with appreciation of the important work carried out in this field by the United Nations, in particular the Committee on the Rights of the Child, the Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography and the United Nations International Drug Control Programme,

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2/ Resolution 44/25, annex.

Bearing in mind the diverse causes of the emergence and marginalization of street children, including poverty, rural-to-urban migration, unemployment, broken families, intolerance and exploitation, and that such causes are often aggravated and their solution made more difficult by serious socio-economic difficulties,

Bearing in mind that the Vienna Declaration and Programme of Action urged all States, with the support of international cooperation, to address the acute problem of children in especially difficult circumstances and that national and international mechanisms and programmes should be strengthened for the defence and protection of children, including street children,

Recognizing that the prevention and solution of certain aspects of this phenomenon could also be facilitated in the context of economic and social development,

1. Expresses grave concern at the continued growth in the number of incidents world wide and reports of street children being involved in or affected by serious crime, drug abuse, violence and prostitution;

2. Urges Governments to continue actively to seek comprehensive solutions to tackle the problems of street children and to take measures to restore their full participation in society and to provide, inter alia, adequate nutrition, shelter, health care and education;

3. Strongly urges Governments to respect fundamental human rights, particularly the right to life, and to take urgent measures to prevent the killing of street children and to combat torture and violence against street children;

4. Emphasizes that strict compliance with the provisions of the Convention on the Rights of the Child constitutes a significant step towards solving the problems related to street children, and calls upon all States that have not done so to become parties to the Convention on the Rights of the Child as a matter of priority;

5. Calls upon the international community to support, through effective international cooperation, the efforts of States to improve the situation of street children, and encourages States parties to the Convention on the Rights of the Child, in preparing their reports to the Committee on the Rights of the Child, to bear this problem in mind and to consider requesting, or indicating their need for, technical advice and assistance for initiatives aimed at improving the situation of street children, in accordance with article 45 of the Convention;

6. Reiterates the invitation to the Committee on the Rights of the Child to consider the possibility of a general comment on street children;

7. Recommends that the Committee on the Rights of the Child and other relevant treaty-monitoring bodies bear this growing problem in mind when examining reports from States parties;

8. Invites Governments, United Nations bodies and organizations and intergovernmental and non-governmental organizations to cooperate and to ensure greater awareness and more effective action to solve the problem of street children by, among other measures, supporting development projects that can have a positive impact on the situation of street children;

9. Calls upon special rapporteurs, special representatives and working groups of the Commission on Human Rights and the Subcommission on the Prevention of Discrimination and Protection of Minorities, within their mandates, to pay particular attention to the plight of street children;

10. Decides to consider the question further at its forty-ninth session under the item entitled "Human rights questions".

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Forty-eighth session
THIRD COMMITTEE
Agenda item 114 (a)

HUMAN RIGHTS QUESTIONS: IMPLEMENTATION OF HUMAN RIGHTS INSTRUMENTS

Algeria, Argentina, Chile, Colombia, Costa Rica, Croatia, Cuba, Ecuador, Egypt, Guatemala, Guinea, Mexico, Morocco, Nicaragua, Peru, Russian Federation, Rwanda, Tunisia, Turkey and Uruguay: draft resolution

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

The General Assembly,

Reaffirming once more the permanent validity of the principles and standards set forth in the basic instruments regarding the international protection of human rights, in particular in the Universal Declaration of Human Rights, 1/ the International Covenants of Human Rights, 2/ the International Convention on the Elimination of All Forms of Racial Discrimination, 3/ the Convention on the Elimination of All Forms of Discrimination against Women 4/ and the Convention on the Rights of the Child, 5/

Bearing in mind the principles and standards established within the framework of the International Labour Organization and the importance of the

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1/ Resolution 217 A (III).

2/ See resolution 2200 A (XXI), annex.

3/ Resolution 2106 A (XX), annex.

4/ Resolution 34/180, annex.

5/ Resolution 44/25, annex.

task carried out in connection with migrant workers and members of their families in other specialized agencies and in various organs of the United Nations,

Reiterating that, in spite of the existence of an already established body of principles and standards, there is a need to make further efforts to improve the situation and to ensure the human rights and dignity of all migrant workers and members of their families,

Aware of the situation of migrant workers and members of their families and the marked increase in migratory movements that has occurred especially in certain parts of the world,

Considering that the Vienna Declaration and Programme of Action of the World Conference on Human Rights 6/ urged all States to guarantee the protection of the human rights of all migrant workers and their families,

Underlining the importance of the creation of conditions to foster greater harmony and tolerance between migrant workers and the rest of the society of the State in which they reside,

Recalling its resolution 45/158 of 18 December 1990, by which it adopted and opened for signature, ratification and accession the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,

Bearing in mind that the Vienna Declaration and Programme of Action invites States to consider the possibility of signing and ratifying, at the earliest possible time, the Convention,

Taking into account the invitation made in the Vienna Declaration and Programme of Action,

Recalling that the General Assembly, in its resolution 47/110 of 16 December 1992, requested the Secretary-General to submit to the Assembly at its forty-eighth session a report on the status of the Convention,

1. Takes note of the report of the Secretary-General 7/ on the status of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;

2. Welcomes the signature, ratification or accession by some Member States to the Convention;

3. Calls upon all Member States to consider signing and ratifying or acceding to the Convention as a matter of priority, and expresses the hope that it will enter into force at an early date;

6/ A/CONF.157/23.

7/ A/48/471.

4. Requests the Secretary-General to provide all facilities and assistance necessary for the promotion of the Convention, through the World Public Information Campaign on Human Rights and the programme of advisory services in the field of human rights;

5. Invites the organizations and agencies of the United Nations system and intergovernmental and non-governmental organizations to intensify their efforts with a view to disseminating information on and promoting understanding of the Convention;

6. Requests the Secretary-General to submit to the General Assembly at its forty-ninth session a report on the status of the Convention;

7. Decides to consider the report of the Secretary-General at its forty-ninth session under the sub-item entitled "Implementation of human rights instruments".

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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Colombia, Mexico, Spain and Venezuela: draft resolution

Situation of human rights in El Salvador

The General Assembly,

Guided by the international human rights instruments,

Recalling its resolution 47/140 of 18 December 1992, as well as Commission on Human Rights resolution 1993/93 of 10 March 1993 1/ and the statement of 20 August 1993 by the Chairman of the Subcommission on Prevention of Discrimination and Protection of Minorities on support for the peace process in El Salvador,

Taking into account the reports of the Secretary-General and the Director of the Human Rights Division of the United Nations Observer Mission in El Salvador,

Convinced that full and speedy implementation of the Peace Accords is necessary in order to guarantee full respect for human rights and the consolidation of the reconciliation and democratization process under way in the country,

Welcoming the fact that many of the agreements have already been put into effect by the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional,

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1/ See Official Records of the Economic and Social Council, 1993, Supplement No. 3 (E/1993/23), chap. II, sect. A.

Concerned none the less that despite the appeals of the Security Council and the Secretary-General most of the agreements referred to in Security Council resolution 832 (1993) of 27 May 1993 have not been implemented, and that there have been some irregularities in the application of the agreements relating to public security,

Concerned also about the resurgence of acts of violence and their negative effect on the political climate of the country, particularly about the recent assassinations and threats which may be politically motivated directed against leaders and other members of different political tendencies, probably by illegal armed groups, which repeat the behavioural patterns prevailing in the past, and alarmed because these acts of political violence could jeopardize the peace process and the holding of free and fair elections, unless effective measures to eliminate and punish such human rights violations are taken immediately,

Noting with interest the agreement between the Government of El Salvador and the United Nations Observer Mission in El Salvador on the establishment of a mechanism to investigate clandestine armed groups and their possible connection with the resurgence of political violence,

Taking note of the importance of having adopted a number of reforms of the judicial system, as well as of the need to adopt both the reforms which are in the process of being approved and the reforms recommended by the Commission on the Truth, all of which are designed to contribute to the elimination of the existing impunity and consequently to the full attainment of the rule of law,

Considering that the international community must follow closely and continue to support all efforts to consolidate peace, ensure full respect for human rights and undertake the reconstruction of El Salvador,

1. Commends the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional for having fulfilled many of their commitments and for having overcome a number of obstacles to the application of the agreements;

2. Regrets none the less that there have been considerable delays in the implementation of some agreements, and therefore calls on the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional to step up their efforts to complete as agreed, by the proposed dates, the programme for the transfer of land, the reintegration programme for ex-combatants, the deployment of the National Civil Police and the phasing-out of the National Police, as well as the collection of weapons issued for the exclusive use of personnel of the Armed Forces and the adoption of the Act on Private Security Services;

3. Condemns the recent acts of political violence, which have been repudiated by the various sectors of Salvadorian society, and considers it inadmissible that such acts, perpetrated by a small minority, should jeopardize the progress made in implementing the agreements and hamper the holding of free elections in March 1994;

4. Fully supports the immediate conduct of a complete, effective and impartial investigation of illegal armed groups, as recommended by the

Commission on the Truth, which has become urgent in view of the recent acts of political violence;

5. Notes with satisfaction the statement of 5 November 1993, entitled "Commitment of the presidential candidates to peace and stability in El Salvador", in which the candidates inter alia solemnly committed themselves to maintain the constructive evolution of the peace process and to implement all the commitments contained in the Peace Accords and rejected any politically motivated violence or intimidation;

6. Calls upon all Governments to contribute to the consolidation of peace and the attainment of full respect for human rights in El Salvador by supporting full compliance with the Peace Accords and generously financing their implementation and the implementation of the National Reconstruction Plan;

7. Reiterates it gratitude for the important work being carried out by the Secretary-General and his representatives and by the United Nations Observer Mission in El Salvador, and extends to them its support so that they can continue to take all necessary steps to contribute to the successful implementation of the Peace Accords;

8. Acknowledges with satisfaction the continuing efforts of the Governments of Colombia, Mexico, Spain and Venezuela, which make up the Group of Friends of the Secretary-General, as well as the Government of the United States of America, in support of the steps being taken by the Secretary-General to consolidate the peace process in El Salvador;

9. Notes that the human rights situation in El Salvador continues to evolve in a somewhat ambivalent fashion, since, on the one hand, there continue to be signs of improvement and, on the other hand, serious violations persist, particularly as regards the right to life, and the capacity of the judicial system to clarify and punish such violations continues to be unsatisfactory;

10. Urges the Government of El Salvador and all other institutions involved in the electoral process to adopt the necessary measures to ensure that the elections which are to take place in March 1994 are free, representative and fair, since they are a key component of the peace process;

11. Decides to keep the situation of human rights in El Salvador under consideration during its forty-ninth session in the light of the course of events in the country.

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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Colombia, Costa Rica, El Salvador, France, Guatemala, Honduras, Mexico, Nicaragua, Spain, Sweden, United States of America and Venezuela: revised draft resolution

Situation of human rights in El Salvador

The General Assembly,

Guided by the international human rights instruments,

Recalling its resolution 47/140 of 18 December 1992, as well as Commission on Human Rights resolution 1993/93 of 10 March 1993 1/ and the statement of 20 August 1993 by the Chairman of the Subcommission on Prevention of Discrimination and Protection of Minorities on support for the peace process in El Salvador and also Security Council resolution 888 (1993) of 30 November 1993,

Taking into account the reports of the Secretary-General and the Director of Human Rights Division of the United Nations Observer Mission in El Salvador,

Convinced that full and speedy implementation of the outstanding commitments of the Peace Accords is necessary in order to guarantee full respect for human rights and the consolidation of the reconciliation and democratization process under way in the country,

Welcoming the fact that most of the agreements have already been put into effect by the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional,

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1/ See Official Records of the Economic and Social Council, 1993, Supplement No. 3 (E/1993/23), chap. II, sect. A.

Concerned none the less that problems persist and that there are continuing delays in the implementation of several important Peace Agreements referred to in Security Council resolution 832 (1993) of 27 May 1993, and that there have also been some irregularities in the implementation of the agreements relating to public security,

Noting with concern the recent acts of violence in El Salvador, which may indicate renewed activity by illegal armed groups, and could, if unchecked, negatively affect the peace process in El Salvador including the elections scheduled for March 1994,

Noting also with concern the seemingly politically motivated murders of and threats against members of the different political parties, including the Frente Farabundo Martí para la Liberación Nacional and the Alianza Republicana Nacionalista (ARENA),

Welcoming in this regard the efforts of the Secretary-General in cooperation with the Government of El Salvador towards the establishment of a mechanism to investigate illegal armed groups and their possible connection with renewed political violence,

Noting that El Salvador has entered a decisive phase in the peace process and that political parties have just begun a campaign for the elections to be held in March 1994, which should take place in a peaceful environment,

Taking note of the importance of having adopted a number of reforms of the judicial system, as well as of the need to adopt both the reforms which are in the process of being approved and the reforms recommended by the Commission on the Truth, all of which are designed to contribute to the elimination of the existing impunity and consequently to the full attainment of the rule of law,

Recalling also the role that the Office of the National Counsel for the Defence of Human Rights is called upon to play in the promotion and protection of human rights,

Considering that the international community must follow closely and continue to support all efforts to consolidate peace, ensure full respect for human rights and undertake the reconstruction of El Salvador,

1. Commends the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional for having fulfilled most of their commitments and for having overcome a number of obstacles to the implementation of the agreements;

2. Expresses its concern that there are important elements of the agreements that have only been partially implemented, and therefore calls on the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional to step up their efforts to complete as agreed, by the proposed dates, the programme for the transfer of land, the reintegration programme for ex-combatants, the deployment of the National Civil Police and the phasing-out of the National Police, as well as the collection of weapons issued for the exclusive use of personnel of the Armed Forces and the adoption of the Act on Private Security Services;

3. Condemns the recent acts of violence that may be politically motivated, which have been repudiated by the various sectors of Salvadorian society, and considers it inadmissible that such acts, perpetrated by a small minority, should jeopardize the progress made in implementing the agreements and hamper the holding of free elections in March 1994;

4. Supports, in this context, the efforts of the Secretary-General, in cooperation with the Government of El Salvador, to initiate immediately an impartial, independent and credible investigation of illegal armed groups, as recommended by the Commission on the Truth, and urges all sectors of society in El Salvador to cooperate with such an investigation;

5. Notes with satisfaction the statement of 5 November 1993, entitled "Commitment of the presidential candidates to peace and stability in El Salvador", in which the candidates inter alia solemnly committed themselves to maintain the constructive evolution of the peace process and to implement all the commitments contained in the Peace Accords and rejected any politically motivated violence or intimidation;

6. Calls upon all Governments to contribute to the consolidation of peace and the attainment of full respect for human rights in El Salvador by supporting full compliance with the Peace Accords;

7. Reiterates its gratitude for the important work being carried out by the Secretary-General and his representative and by the United Nations Observer Mission in El Salvador, and extends to them its support so that they can continue to take all necessary steps to contribute to the successful implementation of the Peace Accords;

8. Acknowledges with satisfaction the continuing efforts of the Governments of Colombia, Mexico, Spain and Venezuela, which make up the Group of Friends of the Secretary-General, as well as the Government of the United States of America, in support of the steps being taken by the Secretary-General to consolidate the peace process in El Salvador;

9. Notes that, as has been pointed out by the Secretary-General, the human rights situation in El Salvador continues to evolve in a somewhat ambivalent fashion, since, on the one hand, there continue to be signs of improvement and, on the other hand, violations persist, particularly as regards the right to life, and the capacity of the judicial system to clarify and punish such violations continues to be unsatisfactory;

10. Urges all States, as well as the international financial and development institutions, promptly and generously to provide financial contributions to support the fulfilment of all aspects of the Peace Accords, including the National Reconstruction Plan;

11. Also urges the Government of El Salvador and all other institutions involved in the electoral process to adopt the necessary measures to create an atmosphere conducive to ensuring that the elections which are to take place in March 1994 are free, representative and authentic, since they are a key component of the consolidation of the peace process.

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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Argentina, Australia, Austria, Belgium, Canada, Costa Rica, Cyprus, Denmark, Ethiopia, Finland, France, Gambia, Germany, Hungary, Iceland, Italy, Lesotho, Liechtenstein, Nigeria, Norway, Poland, Rwanda, Slovenia, Sweden and United Republic of Tanzania: draft resolution

Human rights in the administration of justice

The General Assembly,

Recalling its resolution 46/120 of 17 December 1991,

Bearing in mind the principles embodied in articles 3, 5, 9, 10 and 11 of the Universal Declaration of Human Rights 1/ and the relevant provisions of the International Covenant on Civil and Political Rights 2/ and its Optional Protocols, 3/ in particular article 6 of the Covenant, which explicitly states that no one shall be arbitrarily deprived of his life and prohibits the imposition of the death penalty for crimes committed by persons below eighteen years of age,

Bearing in mind also the relevant principles embodied in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 4/

1/ Resolution 217 A (III).

2/ Resolution 2200 A (XXI), annex.

3/ See resolution 2200 A (XXI), annex, and resolution 44/128, annex.

4/ Resolution 39/46, annex.

and in the International Convention on the Elimination of All Forms of Racial Discrimination, 5/

Mindful of the Convention on the Elimination of All Forms of Discrimination against Women, 6/ in particular of the obligation of States to treat men and women equally in all stages of procedures in courts and tribunals,

Calling attention to the numerous international standards in the field of the administration of justice, such as the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, 7/ the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power 8/ and the safeguards guaranteeing protection of the rights of those facing the death penalty, 9/ as well as the Basic Principles on the Independence of the Judiciary, 10/ the Basic Principles on the Role of Lawyers, 11/ the Model Agreement on the Transfer of Foreign Prisoners and recommendations on the treatment of foreign prisoners, 10/ as well as the Code of Conduct for Law Enforcement Officials, 12/ the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, 11/ the Standard Minimum Rules for the Treatment of Prisoners, 13/ the Basic Principles for the Treatment of Prisoners, 14/ the United Nations Rules for the Protection of Juveniles Deprived of their

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5/ Resolution 2106 A (XX), annex.

6/ Resolution 34/180, annex.

7/ Resolution 43/173, annex.

8/ Resolution 40/34, annex.

9/ See Official Records of the Economic and Social Council, 1984, Supplement No. 1 (E/1984/84), resolution 1984/50.

10/ See Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Milan, 26 August-6 September 1985: report prepared by the Secretariat (United Nations publication, Sales No. E.86.IV.1), chap. I, sect. D.

11/ See Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August-7 September 1990: report prepared by the Secretariat (United Nations publication, Sales No. E.91.IV.2), chap. I, sect. B.

12/ Resolution 34/169, annex.

13/ See Human Rights: A Compilation of International Instruments (United Nations publication, Sales No. E.88.XIV.1).

14/ Resolution 45/111, annex.

Liberty, 15/ the Guidelines on the Role of Prosecutors, 16/ the United Nations Standard Minimum Rules for Non-Custodial Measures (the Tokyo Rules), 17/ the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), 18/ the Model Treaty on the Transfer of Proceedings in Criminal Matters 19/ and the Model Treaty on the Transfer of Supervision of Offenders Conditionally Sentenced or Conditionally Released, 20/

Recalling its resolution 47/133 of 18 December 1992, by which it adopted the Declaration on the Protection of All Persons from Enforced Disappearance,

Welcoming the important work of the Commission on Human Rights and of the Subcommission on Prevention of Discrimination and Protection of Minorities in the field of human rights in the administration of justice, in particular regarding the independence of the judiciary, the independence of judges and lawyers, the right to a fair trial, habeas corpus, human rights and states of emergency, the question of arbitrary detention, the human rights of juveniles in detention, the privatization of prisons and the question of the impunity of perpetrators of violations of human rights,

Noting resolution 1993/39 of the Subcommission on Prevention of Discrimination and Protection of Minorities, entitled "Independence of the judiciary",

Welcoming Commission on Human Rights resolutions 1993/32 of 5 March 1993, entitled "The administration of justice and human rights", and 1993/41 of 5 March 1993, entitled "Human rights in the administration of justice",

Welcoming also the important work of the Commission on Crime Prevention and Criminal Justice in the field of human rights in the administration of justice, as reflected in section III of Economic and Social Council resolution 1993/34 of 27 July 1993,

Recognizing that the rule of law and the proper administration of justice are prerequisites for sustainable economic and social development,

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15/ Resolution 45/113, annex.

16/ See Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August-7 September 1990: report prepared by the Secretariat (United Nations publication, Sales No. E.91.IV.2), chap. C, resolution 26.

17/ Resolution 45/110, annex.

18/ Resolution 40/33, annex.

19/ See Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August-7 September 1990: report prepared by the Secretariat (United Nations publication, Sales No. E.91.IV.2), chap. I, A, 12.

20/ See Official Records of the Economic and Social Council, 1990, Supplement No. 10 (E/1990/31).

Recognizing that the rule of law and the proper administration of justice are prerequisites for sustainable economic and social development,

Recognizing also the central role of the administration of justice in the promotion and protection of human rights,

Aware of the importance of national and regional intergovernmental human rights bodies and institutions in the promotion and protection of human rights,

Having considered the report of the Secretary-General on human rights in the administration of justice, 21/

Mindful of the recommendations relating to human rights in the administration of justice contained in the Vienna Declaration and Programme of Action 22/ adopted by the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993,

1. Takes note with appreciation of the report of the Secretary-General on human rights in the administration of justice; 21

2. Reaffirms the importance of the full and effective implementation of all United Nations standards on human rights in the administration of justice;

3. Acknowledges that it is the primary responsibility of all Governments to promote and protect human rights;

4. Acknowledges also that the administration of justice, including law enforcement and prosecutorial agencies and, especially, an independent judiciary and legal profession in full conformity with applicable standards contained in international human rights instruments, are essential to the full and non-discriminatory realization of human rights and indispensable to the processes of democracy and sustainable development;

5. Once again calls upon all States to pay due attention to these norms and standards in developing national and regional strategies for their practical implementation and to spare no effort in providing for effective legislative and other mechanisms and procedures, as well as for adequate financial resources to ensure more effective implementation of these norms and standards;

6. Appeals to Governments to include in their national development plans the administration of justice as an integral part of the development process and to allocate adequate resources for the provision of legal-aid services with a view to the promotion and protection of human rights;

7. Urges the Secretary-General to consider favourably requests for assistance by States in the field of the administration of justice within the framework of the United Nations programme of advisory services and technical cooperation in the field of human rights, and to strengthen coordination of activities in this field;

21/ A/48/575.

22/ A/CONF.157/24 (Part I), chap. III.

8. Strongly recommends, in this context, that the establishment of a comprehensive programme within the system of advisory services and technical assistance be considered in order to help States in the task of building and strengthening adequate national structures which have a direct impact on the overall observance of human rights and the maintenance of the rule of law; such a programme should provide, upon the request of the interested Governments, technical and financial assistance to national projects in reforming penal and correctional establishments, education and training of lawyers, judges and security forces in human rights, and any other sphere of activity relevant to the good functioning of the rule of law;

9. Acknowledges that institutions concerned with the administration of justice should be properly funded, and an increased level of both technical and financial assistance should be provided by the international community;

10. Appeals to the international community to provide assistance, at the request of the Governments concerned, for the provision of legal-aid services with a view to ensuring the promotion, protection and full enjoyment of human rights;

11. Invites the international community to respond favourably to requests for financial and technical assistance made by institutions concerned with the promotion and protection of human rights, with a view to enhancing and strengthening their national capacities to promote and protect human rights consistent with the standards set forth in international and other human rights instruments;

12. Acknowledges the important role of the regional commissions, specialized agencies and United Nations institutes in the area of human rights and crime prevention and criminal justice and other organizations of the United Nations system, as well as intergovernmental and non-governmental organizations, including national professional associations concerned with promoting United Nations standards in this field;

13. Invites the Commission on Crime Prevention and Criminal Justice to pay particular attention to questions relating to the administration of justice, with special emphasis on the effective implementation of norms and standards;

14. Decides to consider the question of human rights in the administration of justice at its fiftieth session under the agenda item "Human rights questions".

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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATION AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Argentina, Australia, Austria, Belgium, Bulgaria, Canada, Chile, Costa Rica, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Liechtenstein, Luxembourg, Netherlands, Norway, Panama, Portugal, Spain, Sweden and the United Kingdom of Great Britain and Northern Ireland: draft resolution

Situation of human rights in Myanmar

The General Assembly,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations and elaborated in the Universal Declaration of Human Rights, 1/ the International Covenants on Human Rights 2/ and other applicable human rights instruments,

Aware that, in accordance with the Charter, the Organization promotes and encourages respect for human rights and fundamental freedoms for all and that the Universal Declaration of Human Rights states that "the will of the people shall be the basis of the authority of government",

Recalling its resolution 47/144 of 18 December 1992,

Recalling also Commission on Human Rights resolution 1992/58 of 3 March 1992, in which the Commission, inter alia, decided to nominate a special

1/ Resolution 217 A (III).

2/ Resolution 2200 A (XXI), annex.

rapporteur to establish direct contacts with the Government and with the people of Myanmar, including political leaders deprived of their liberty, their families and their lawyers, with a view to examining the situation of human rights in Myanmar and following any progress made towards the transfer of power to a civilian Government and the drafting of a new Constitution, the lifting of restrictions on personal freedoms and the restoration of human rights in Myanmar,

Recalling further Commission on Human Rights resolution 1993/73 of 10 March 1993, by which the Commission extended for one year the above mandate of the Special Rapporteur,

Gravely concerned that the Government of Myanmar still has not implemented its commitments to take all necessary steps towards democracy in the light of the results of the elections held in 1990,

Gravely concerned also at the continued violations of human rights in Myanmar, as reported by the Special Rapporteur, in particular summary and arbitrary executions, torture, forced labour, abuse of women, restrictions on fundamental freedoms, including the freedom of expression and assembly, and the imposition of oppressive measures directed in particular at ethnic and religious minorities,

Noting that the human rights situation in Myanmar has consequently resulted in flows of refugees to neighbouring countries, thus creating problems for the countries concerned,

Noting also the measures taken by the Government of Myanmar, including its accession to the Geneva Conventions of 1949 on the protection of victims of war, 3/ and the release of a number of political prisoners in response to the concerns expressed by the international community, including the General Assembly and the Commission on Human Rights,

Welcoming the signing of the Memorandum of Understanding between the Government of Myanmar and the Office of the United Nations High Commissioner for Refugees on 5 November 1993 on the voluntary repatriation of refugees from Bangladesh to Myanmar,

Noting the cease-fire that has been reached between the Government of Myanmar and several groups of ethnic and religious minorities in Myanmar,

1. Expresses its appreciation to the Special Rapporteur of the Commission on Human Rights for his preliminary report and the conclusions and recommendations contained therein; 4/

2. Deplores the continued violations of human rights in Myanmar;

3/ United Nations Treaty Series, vol. 75, Nos. 970-973.

4/ A/48/578.

3. Again urges the Government of Myanmar, in conformity with its assurances given at various times, to take all necessary steps towards the restoration of democracy in accordance with the will of the people as expressed in the democratic elections held in 1990, and to ensure that political parties can function freely;

4. Notes with concern the observation of the Special Rapporteur, with regard to the National Convention, that no evident progress has been made towards turning over power to a freely elected civilian Government; 4/

5. Also notes with concern in this respect that most of the representatives duly elected in 1990 have been excluded from participating in the meetings of the National Convention, created to prepare basic elements for the drafting of a new Constitution, and that one of its objectives is to maintain the participation of the armed forces in a leading role in the future political life of the State;

6. Strongly urges the Government of Myanmar to take all appropriate measures to allow all citizens to participate freely in the political process in accordance with the principles of the Universal Declaration of Human Rights and to accelerate the process of transition to democracy, in particular through the transfer of power to the democratically elected representatives;

7. Urges the Government of Myanmar to ensure full respect for human rights and fundamental freedoms, including freedom of expression and assembly, and the protection of the rights of persons belonging to ethnic and religious minorities and to put an end to violations of the right to life and integrity of the human being, to the practices of torture, abuse of women, forced labour and to enforced disappearances and summary executions;

8. Appeals to the Government of Myanmar to consider becoming a party to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights and to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; 5/

9. Stresses the importance of free and confidential access to prisoners by international humanitarian agencies;

10. Regrets the recent harsh sentences meted out to a number of dissidents, including persons voicing dissent in regard to the procedures of the National Convention;

11. Regrets also that, while a certain number of political prisoners have been released, many political leaders are still deprived of their freedom and their fundamental rights;

12. Strongly urges the Government of Myanmar to release unconditionally and immediately the Nobel Peace Prize Laureate Aung San Suu Kyi, who is now in

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5/ Resolution 39/46, annex.

her fifth year of detention without trial, and other political leaders and remaining political prisoners;

13. Calls upon the Government of Myanmar to respect fully the obligations of the Geneva Conventions of 1949, in particular the obligations in common article III, and to make use of such services as may be offered by impartial humanitarian bodies;

14. Encourages the Government of Myanmar fully to implement the Memorandum of Understanding between the Government of Myanmar and the Office of the United Nations High Commissioner for Refugees of 5 November 1993 and to create the necessary conditions to ensure an end to the flows of refugees to neighbouring countries and to facilitate their speedy repatriation and their full reintegration, in conditions of safety and dignity;

15. Requests the Secretary-General to assist in the implementation of the present resolution and to report to the General Assembly at its forty-ninth session;

16. Decides to continue its consideration of this question at its forty-ninth session.

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Agenda item 114 (b)

HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Argentina, Armenia, Australia, Austria, Belarus, Bosnia and Herzegovina, Canada, Croatia, Czech Republic, Denmark, Estonia, Ethiopia, Finland, Gambia, Georgia, Greece, Guatemala, Hungary, Italy, Liechtenstein, Lithuania, Malawi, Morocco, Netherlands, Norway, Poland, Republic of Korea, Russian Federation, Rwanda, Slovakia, Slovenia, Sweden, the former Yugoslav Republic of Macedonia, Ukraine and Uruguay: draft resolution

Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities

Recalling its resolution 47/135 of 18 December 1992, by which it adopted the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities,

Conscious of the need effectively to promote and protect the rights of persons belonging to minorities as set out in the Declaration,

Noting the importance of an even more effective implementation of international human rights instruments with regard to the rights of all persons, including those belonging to national or ethnic, religious and linguistic minorities,

Welcoming Commission on Human Rights resolution 1993/24 of 5 March 1993 on the rights of persons belonging to national or ethnic, religious and linguistic minorities,

Noting that resolutions 1993/42 and 1993/43 adopted by the Subcommission on Prevention of Discrimination and Protection of Minorities on 26 August 1993 are to be considered by the Commission on Human Rights at its fiftieth session,

Aware of the provisions of article 27 of the International Covenant on Civil and Political Rights 1/ concerning the rights of persons belonging to ethnic, religious or linguistic minorities,

Acknowledging that the United Nations has an increasingly important role to play regarding the protection of minorities by, inter alia, taking due account of the Declaration,

Concerned by the growing frequency and severity of disputes and conflicts concerning minorities in many countries, and their often tragic consequences,

Affirming that effective measures and the creation of favourable conditions for the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities, ensuring effective non-discrimination and equality for all, contribute to the prevention and peaceful solution of human rights problems and situations involving minorities,

Considering that the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities contribute to political and social stability and peace and enrich the cultural heritage of society as a whole of the States in which such persons live,

Reaffirming the obligation of States to ensure that persons belonging to minorities may exercise fully and effectively all human rights and fundamental freedoms without any discrimination and in full equality before the law in accordance with the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities,

Welcoming initiatives aiming at disseminating information on the Declaration and to promoting understanding thereof,

Having considered the report of the Secretary-General entitled "Effective promotion of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities", 2/

Mindful of the recommendations contained in part II, paragraphs 25 to 27, of the Vienna Declaration and Programme of Action adopted unanimously by the World Conference on Human Rights held at Vienna from 14 to 25 June 1993, 3/

1. Takes note of the report of the Secretary-General entitled "Effective promotion of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities"; 2/

1/ Resolution 2200 A (XXI), annex.

2/ A/48/509.

3/ A/CONF.157/23.

2. Urges States and the international community to promote and protect the rights of persons belonging to national or ethnic, religious and linguistic minorities as set out in the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, including through the facilitation of their full participation in all aspects of the political, economic, social, religious and cultural life of society and in the economic progress and development in their country;

3. Calls upon the Commission on Human Rights to examine ways and means to promote and protect effectively the rights of persons belonging to minorities as set out in the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities;

4. Calls upon the Secretary-General to provide through the Centre for Human Rights, at the request of Governments concerned and as part of the Centre's programme of advisory services and technical assistance, qualified expertise on minority issues and human rights, as well as on the prevention and resolution of disputes, to assist in existing or potential situations involving minorities;

5. Appeals to States to take all the necessary legislative and other measures to promote and give effect, as appropriate, to the principles of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities;

6. Appeals also to States to make bilateral and multilateral efforts, as appropriate, in order to protect the rights of persons belonging to national or ethnic, religious and linguistic minorities in their countries in accordance with the Declaration;

7. Urges all treaty bodies and special representatives, special rapporteurs and working groups of the Commission on Human Rights and the Subcommission on Prevention of Discrimination and Protection of Minorities to give due regard to the promotion and protection of the rights of persons belonging to minorities, as set forth in the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, as appropriate, within their mandates;

8. Encourages intergovernmental and non-governmental organizations to continue to contribute to the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities;

9. Invites the Secretary-General to continue the dissemination of information on the Declaration and the promotion of understanding thereof, including, as appropriate, in the context of the training of United Nations personnel;

10. Requests the Secretary-General to report to the General Assembly at its forty-ninth session on the implementation of the present resolution under the item entitled "Human rights questions".

UNITED
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THIRD COMMITTEE
Agenda item 114 (c)

HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATION AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Argentina, Austria, Bahamas, Barbados, Belgium, Benin, Bolivia, Brazil, Canada, Chile, Colombia, Costa Rica, Cuba, Denmark, Finland, France, Germany, Greece, Grenada, Guatemala, Guyana, Hungary, Iceland, Ireland, Italy, Jamaica, Japan, Luxembourg, Mexico, Netherlands, Nicaragua, Norway, Panama, Peru, Portugal, Spain, Suriname, Sweden, Trinidad and Tobago, United States of America, Uruguay, Vanuatu and Venezuela: draft resolution

Human rights in Haiti

The General Assembly,

Recalling its resolutions 46/7, of 11 October 1991, 46/138, of 17 December 1991, 47/20, of 24 November 1992, and 47/143, of 18 December 1992,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights 1/ and the International Covenants on Human Rights, 2/

Aware of its responsibility for the promotion and encouragement of respect for human rights and fundamental freedoms for all, and resolved to keep a close watch on human rights violations wherever they may occur,

Reaffirming that all Member States are required to promote and protect human rights and to comply with the obligations laid down in the various instruments in this field,

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1/ Resolution 217 A (III).

2/ Resolution 2200 A (XXI), annex.

Taking note of resolution 1993/68, of 10 March 1993, 3/ of the Commission on Human Rights, by which it decided to extend the mandate of the Special Rapporteur for one year, with a view to submitting an interim report to the General Assembly at its forty-eighth session and a final report to the Commission on Human Rights at its fiftieth session,

Taking note also of the report of the International Civilian Mission in Haiti, which was presented in accordance with General Assembly resolution 47/20 B, of 20 April 1993, 4/

Deeply concerned about the grave events occurring in Haiti since 29 September 1991, which abruptly and violently interrupted the democratic process in that country and have resulted in the loss of human lives and violations of human rights,

Concerned also at the exodus of Haitian nationals leaving the country because of the deteriorating political and economic situation since 29 September 1991,

Deeply alarmed by the persistence and worsening of serious violations of human rights, in particular summary and arbitrary executions, forced disappearances, reports of torture and rape, arbitrary arrests and detentions and denial of freedom of expression, assembly and association,

Recognizing the important role played by the International Civilian Mission established by the United Nations and the Organization of American States, whose presence in Haiti has prevented greater violations of human rights, and encourages its earliest possible return to Haiti,

1. Commends the Special Rapporteur of the Commission on Human Rights, Mr. Marco Tulio Bruni Celli, for his report 5/ on the situation of human rights in Haiti and supports the recommendations contained therein;

2. Once again condemns the overthrow of the constitutionally elected President, Mr. Jean-Bertrand Aristide, and the use of violence and military coercion, and the subsequent deterioration of the situation of human rights in that country;

3. Expresses its conviction that the full implementation of the Agreement of Governors Island, 6/ which was signed by all parties, is an essential part of an improvement of the situation of human rights in Haiti, and that the refusal by one of the parties to implement this Agreement has led to a further deterioration of the human rights situation;

3/ See Official Documents of the Economic and Social Council, 1993, Supplement No. 3 (E/1993/23), chap. II, sect. A.

4/ A/47/960 and Corr.1, annex.

5/ A/48/561.

6/ A/47/975-S/26063.

4. Expresses its deep concern about the continuing worsening of the human rights situation in Haiti during 1993 and the resulting increase in violations of the human rights embodied in the International Covenant of Civil and Political Rights, the International Covenant of Economic, Social and Cultural Rights, 2/ the American Convention on Human Rights: "Pact of San José, Costa Rica" 7/ and other international human rights instruments;

5. Condemns the recurrence of the flagrant human rights violations committed under the illegal government that took power following the coup of 29 September 1991, in particular, summary executions, political assassinations, arbitrary arrests and detentions, torture, searches without warrant, rape, restrictions on freedom of movement, expression, assembly and association and of press and the repression of popular demonstrations calling for the return of President Jean-Bertrand Aristide;

6. Calls for the early return of the International Civilian Mission (MICIVIH) to Haiti as a means of preventing further violations of human rights;

7. Calls the attention of the international community to the fate of the Haitian nationals who are fleeing the country and requests its support in favour of the efforts being made to assist them;

8. Expresses its appreciation to the Office of the United Nations High Commissioner for Refugees for the work it is doing in favour of the Haitian nationals fleeing the country and invites Member States to continue to give financial and material support to its efforts;

9. Calls upon the Member States to continue, and to intensify, their humanitarian assistance to the people of Haiti and welcomes in this regard the decision of the Secretary-General to dispatch a team of additional humanitarian personnel to Haiti;

10. Decides to keep the situation of human rights and fundamental freedoms in Haiti under review during its forty-ninth session and to consider it further in light of the information supplied by the Commission on Human Rights and the Economic and Social Council.

7/ United Nations, Treaty Series, vol. 144, No. 17955.

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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Draft resolution submitted by the Chairman

Situation of human rights in Afghanistan

The General Assembly,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights, 1/ the International Covenants on Human Rights 2/ and accepted humanitarian rules, as set in the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto of 1977, 3/

Aware of its responsibility to promote and encourage respect for human rights and fundamental freedom for all and resolved to remain vigilant with regard to violation of human rights wherever they occur,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have freely undertaken under the various international instruments,

Recalling Economic and Social Council resolution 1984/37 of 24 May 1984, in which the Council requested the Chairman of the Commission on Human Rights to appoint a special rapporteur to examine the situation of human rights in Afghanistan, with a view to formulating proposals that could contribute to ensuring full protection of the human rights of the inhabitants of the country before, during and after the withdrawal of all foreign forces,

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1/ Resolution 217 A (III).

2/ Resolution 2200 A (XXI), annex.

3/ United Nations, Treaty Series, Vol. 75, Nos. 970-973.

Recalling also its resolution 47/141 of 18 December 1992 and all its other relevant resolutions, as well as the resolutions of the Commission on Human Rights and the decisions of the Economic and Social Council,

Taking note, in particular, of Commission on Human Rights resolution 1993/66 of 10 March 1993, 4/ in which the Commission decided to extend the mandate of the Special Rapporteur on the situation of human rights in Afghanistan for one year and to request him to report to the General Assembly at its forty-eighth session, and of Economic and Social Council decision 1993/275 of 28 July 1993, in which the Council approved the Commission's decision,

Noting that, following the demise of the former Afghan Government, a transitional Islamic State of Afghanistan was established, 5/

Noting with deep concern that in spite of the efforts and initiatives taken by the Government of Afghanistan towards ensuring complete peace and stability, a situation of armed confrontation, affecting mainly the civilian population, which is still the target of indiscriminate military attacks by rival groups, continues to exist in parts of the territory of Afghanistan, and in particular in Kabul, and has also caused a dramatic rise in the number of persons displaced inside the country,

Concerned that the prevailing situation in the country as regards the political and legal order is affecting the security of members of all ethnic and religious groups, including minorities,

Noting with concern reports of violations of rights enshrined in the International Covenant on Civil and Political Rights, 6/ such as the right to life, to liberty and security of person and to freedom of opinion, expression and association,

Deeply concerned about the violation of the human rights of women by warring factions in Afghanistan, and about the lack of respect towards them and their honour, physical integrity and dignity, as reported by the Special Rapporteur,

Concerned also at reports of detainees who are being held for political reasons by rival groups, in particular in prisons run by political parties, among whom are several members of the former Government,

Noting that much remains to be done for the treatment of prisoners to be in conformity with the provisions of the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto of 1977, 3/

4/ Official Records of the Economic and Social Council, 1993, Supplement No. 3 (E/1993/23), chap. II, sect. A.

5/ A/47/656, annex, appendix I.

6/ See resolution 2200 A (XXI), annex.

Deeply concerned that the repatriation of Afghan refugees has dramatically declined in 1993, owing to the prevailing situation in Afghanistan, and expressing the hope that conditions in the country will allow those still in exile to return as soon as possible,

Aware that peace and security in Afghanistan are prerequisites for the successful repatriation of about four million refugees, in particular the achievement of a comprehensive political solution and the establishment of a freely and democratically elected government, the end of armed confrontation in Kabul and in some provinces, the clearance of the minefields that have been laid in many parts of the country, the restoration of an effective authority in the whole country and the reconstruction of the economy,

Affirming that the declaration of general amnesty issued by the Islamic State of Afghanistan should be applied in a strictly non-discriminatory manner and that prisoners detained by rival groups without trial on Afghan territory should be released unconditionally,

Commending the activity carried out by the Office of the United Nations High Commissioner for Refugees and the International Committee of the Red Cross in cooperation with the Afghan authorities, as well as non-governmental organizations, in favour of the people of Afghanistan,

Taking note with appreciation of the report of the Special Rapporteur on the situation of human rights in Afghanistan 7/ and of the conclusions and recommendations contained therein,

Welcoming the fact that the Special Rapporteur was able to visit the capital of Afghanistan, Kabul,

1. Welcomes the cooperation that authorities in Afghanistan have extended to the Special Rapporteur on the situation of human rights in Afghanistan in view of the circumstances prevailing in the country;

2. Also welcomes the cooperation that the authorities in Afghanistan have extended, in particular to the Coordinator for Humanitarian and Economic Assistance Programmes Relating to Afghanistan and to international organizations, such as the specialized agencies, the Office of the United Nations High Commissioner for Refugees and the International Committee of the Red Cross;

3. Urges all the Afghan parties to undertake, where appropriate under the auspices of the United Nations, all possible efforts in order to achieve a comprehensive political solution, which is the only way to bring about peace and the full restoration of human rights in Afghanistan, based on the free exercise of the right to self-determination by the people, including free and genuine elections, the cessation of armed confrontation and the creation of conditions that will permit the free return, as soon as possible, of about four million

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7/ A/48/584.

refugees to their homeland in safety and dignity, whenever they wish, and the full enjoyment of human rights and fundamental freedoms by all Afghans;

4. Welcomes all the efforts towards reaching a comprehensive, peaceful political solution to the conflict in Afghanistan;

5. Urges all the parties to carry out, as soon as possible, a disarmament process which constitutes a prerequisite to a solution to the conflict, as decided also in the Islamabad agreement signed by the Afghan parties;

6. Invites the United Nations to offer, upon request of the Afghan Government and with due regard to the Afghan tradition, advisory services and technical assistance concerning the drafting of the Constitution, which should embody internationally accepted human rights principles, and the holding of direct elections;

7. Recognizes that the promotion and protection of human rights should be an essential element in the achievement of a comprehensive solution to the crisis in Afghanistan, and calls on all Afghan parties to respect human rights;

8. Urges all the Afghan parties to respect accepted humanitarian rules, as set in the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto of 1977, to halt the use of weapons against the civilian population, to protect all civilians from acts of reprisal and violence, including ill-treatment, torture and summary executions, and to expedite the simultaneous release of prisoners wherever they may be held;

9. Strongly urges all Afghan parties to ensure respect for the human rights and fundamental freedoms of women, so that their honour and dignity be ensured in accordance with the provisions of international human rights instruments and the humanitarian law;

10. Calls upon all States and parties concerned to make all efforts for the realization of General Assembly decision 47/428 of 16 December 1992, entitled "Prisoners of war and persons missing as a result of war in Afghanistan", and calls upon them to make all efforts for the immediate release of all prisoners of war, and in particular of former Soviet prisoners of war, as provided for under article 118 of the Geneva Convention relative to the Treatment of Prisoners of War, of 12 August 1949, 8/ considering that the hostilities in which the former Soviet Union was involved have legally and effectively ended, as well as for the tracing of the many Afghans still missing as the result of the war;

11. Urges the unconditional release of all prisoners detained without trial on the Afghan territory by rival groups, and calls for the abolition of prisons run by political parties;

8/ United Nations, Treaty Series, vol. 75, No. 972.

12. Calls upon the authorities in Afghanistan to investigate thoroughly the fate of those persons who have disappeared during the conflict, to apply amnesty decrees equally to all detainees, to reduce the period during which prisoners await trial, to treat all prisoners, especially those awaiting trial or those in custody in juvenile rehabilitation centres, in accordance with the Standard Minimum Rules for the Treatment of Prisoners, 9/ adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, and to apply to all suspected or convicted persons article 14, paragraphs 3 (d), 5, 6 and 7 of the International Covenant on Civil and Political Rights; 5/

13. Appeals to all Member States to provide adequate humanitarian assistance to Afghanistan, to contribute to alleviate the suffering of refugees, especially the living conditions of women and children;

14. Urgently appeals to all Member States and humanitarian organizations to continue to promote the implementation of the projects envisaged by the Coordinator for Humanitarian and Economic Assistance Programmes relating to Afghanistan and the programmes of the United Nations High Commissioner for Refugees, especially the pilot projects for the repatriation of refugees;

15. Reiterates its appeals to all Member States, humanitarian organizations and all parties concerned to cooperate fully on the subject of mine detection and clearance, in order to facilitate the return of refugees and displaced persons to their homes in safety and dignity;

16. Strongly urges all the parties to the conflict to undertake all necessary measures to ensure the safety of the personnel of humanitarian organizations involved in the implementation of the United Nations humanitarian and economic assistance programmes relating to Afghanistan and the programmes of the United Nations High Commissioner for Refugees, in order to avoid further deplorable incidents such as those which have caused loss of life among that personnel;

17. Invites the United Nations Educational, Scientific and Cultural Organization, once the situation is back to normal and upon invitation of the Afghan Government, to study the situation of the Kabul Museum and of the national archives and to take proper action to preserve the Afghan cultural heritage;

18. Recommends the translation into the dari and pashtu languages of the report of the Special Rapporteur;

19. Urges the authorities in Afghanistan to continue to extend their full cooperation to the Commission on Human Rights and its Special Rapporteur;

9/ See Human Rights: A Compilation of International Instruments (United Nations publication, Sales No. E.88.XIV.1).

20. Requests the Secretary-General to give all necessary assistance to the Special Rapporteur;

21. Decides to keep under consideration during its forty-ninth session the situation of human rights in Afghanistan, in the light of additional elements provided by the Commission of Human Rights and the Economic and Social Council.